

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **May 14, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**Case:** Christopher-Miles v. Adams

**Case No.** CV CV 08-2503

**Hearing Date:** May 14, 2009      **Department Fifteen**      **9:00 a.m.**

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#### **Plaintiff's motion to compel:**

Plaintiff's motion to compel defendant Jorge Ayala to serve further responses to special interrogatories, set number one, is **GRANTED IN PART** as follows: Defendant shall provide further responses to special interrogatories numbers 1-6 and 8, containing all non-privileged information that is responsive to the requests by May 29, 2009. (Code Civ. Proc., § 2030.300; *Greyhound Corp. v. Superior Court* (1961) 56 Cal.2d 355, 376; *Marylander v. Superior Court* (2000) 81 Cal.App.4<sup>th</sup> 1119.)

Defendant's objections to interrogatories numbers 2-5 on the grounds that the requests seek information that is protected by the deliberative process privilege are **SUSTAINED**. (*Marylander v. Superior Court* (2000) 81 Cal.App.4<sup>th</sup> 1119.) Defendant's objection to interrogatory number 7 on the grounds that it is drafted in violation of Code of Civil Procedure section 2030.240, subdivision (f) is **SUSTAINED**. All other objections to the special interrogatories are overruled.

Plaintiff's request for sanctions is **DENIED**.

#### **Plaintiff's motion for protective order:**

Plaintiff's motion for protective order is **GRANTED**. (Code Civ. Proc., § 2030.090, subd. (b)(3) & (4) & 2031.060, subd. (b)(2) & (4).) Plaintiff shall serve responses to defendants' discovery by June 18, 2009.

**Plaintiff's motion to quash:**

Plaintiff's motion to quash the subpoena for personal medical information is **GRANTED**. (Code Civ. Proc., §§ 1985.3(g) & 1987.1.) Defendants deposition subpoenas are overbroad and oppressive. (*Britt v. Superior Court* (1978) 20 Cal.3d 844.)

Plaintiff's request for sanctions is **GRANTED**. (Code Civ. Proc., § 1987.2, subd. (a).) Defendants shall pay plaintiff \$790.00 by April 30, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **Crumley-Rebore v. Emigh**  
**Case No. CV CV 08-1241**

**Hearing Date:** **May 14, 2009** **Department Fifteen** **9:00 a.m.**

Christina Emigh's motion to continue the trial and mandatory settlement conference dates is **GRANTED**. (Cal. Rules of Court, rule 3.1332.) The current trial, trial readiness conference, and mandatory settlement conference dates are vacated. The Court sets the following new dates:

Trial: November 10, 2009, at 10:00 a.m. in Department 15

Trial readiness conference: November 2, 2009, at 9:00 a.m. in Department 15

Mandatory settlement conference: September 18, 2009, 9:45 a.m. Department 10.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **Del Rio v. Riva 252, L.P., et al.**  
**Case No. CV CV 06-1836**

**Related Case:** **Riva on the River Homeowners Association v. Riva 252 L.P. et al.**  
**Case No. CV CV 07-2085**

**Hearing Date:** **May 14, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff's motion for relief from order denying motion for leave to amend is **GRANTED**. (Code Civ. Proc., § 473.)

Plaintiff's motion to consolidate is **GRANTED**. (Code Civ. Proc., § 1048.) Daniel Del Rio v. Riva 252, L.P. et al., case number CV 06-1836 is consolidated with Riva on the River Homeowners Association v. Riva 252, L.P. et al., case number CV 07-2085, for all purposes.

Defendants' request for judicial notice is **GRANTED**. (Evid. Code, § 452.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **National Credit Acceptance, Inc. v. Christensen**  
**Case No. CV PT 08-247**

**Hearing Date:** **May 14, 2009** **Department Fifteen** **9:00 a.m.**

The unopposed petition to confirm arbitration award by National Credit Acceptance, Inc. is **GRANTED**. (Code Civ. Proc., § 1286.) The arbitrator's award of \$7,599.06 in National Credit Acceptance, Inc.'s favor and against Cera Christensen is confirmed. The Court cannot confirm an arbitration award against Sara Christensen because the arbitration award is not made against such individual.

National Credit Acceptance, Inc.'s request for \$520.00 in attorney's fees, \$285.00 in costs, and prejudgment interest at 10% is **GRANTED**. (Civ. Code, § 3287; Code Civ. Proc., §§ 1033.5 and 1293.2.) Petitioner did not submit competent evidence to establish that the contractual interest rate is 26.9%.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required. Petitioner shall submit a judgment that is consistent with this order.

**TENTATIVE RULING**

**Case:** **Ryan v. Levine**  
**Case No. CV CV 08-1696**

**Hearing Date:** **May 14, 2009** **Department Fifteen** **9:00 a.m.**

This matter is continued on the Court's own motion to Thursday, May 21, 2009, at 9:00 a.m. in Department Fifteen so that it may be heard with the motions on calendar for that date.